IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8785 OF 2005

Bharatiya Bhavan Co-op.
Housing Society Ltd., . .. Petitioner.

vs.

Smt. Krishna H. Bajaj
& Ors. .. Respondents.

Mr. P.M. Pradhan i/by M/s. Ashwin Ankhad &
Associates for petitioner.

CORAM : S.U. KAMDAR, J.

DATE : 20th December, 2005.

P.C.:

. The present petition challenges the order passed by the revisional authority on 30.11.2005 in revision application. The said revision application was filed against the order passed by the Co-operative Court by incorporating certain additional claims for damages. The original suit is also for damages and the additional claim is also for damages. However, it is the contention of the petitioner that the claim for additional damages is based on the subsequent permission granted i.e. after the date of the filing of the dispute. It is thus contended that the said cause of action cannot be covered by the said dispute and the respondent

should file a separate dispute under Section 91 of the Maharashtra Co-operative Societies Act, 1960. In so far as the aforesaid contention is concerned, I am of the opinion that the contention raised has no merit. The underlaying object of the provisions of order 6 rule 17 of the CPC is to permit the party to incorporate additional claim so as to avoid multiplicity of proceedings and in that light of the same, it is not possible to accept the contention of the petitioner and reject the amendment application which has already been granted by the trial Court. The next contention advanced is that by virtue of the amendment the respondents are seeking to get over the interim order passed by this Court on 25.4.2005 in Writ Petition No. 1469 of 2004. I have perused the said order. The said order only pertains to obtaining valuation report from M/s. Parelkar & Dallas Structural Engineer and which has nothing to do with the present petition. In that light of the matter, I do not find that there is any substance in either of the contentions advanced by the petitioner. I am of the opinion, that order granting application for amendment is not required to be interfered with in exercise of jurisdiction under Article 227 of the Constitution of India. Petition dismissed. No order as to costs.